

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Shuyuan Zhang, Capucine Thwin  
and Zheng Wu

Serial No.: 08/975,519

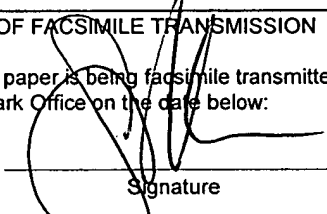
Filed: November 20, 1997

For: AN IMPROVED METHOD FOR THE  
PRODUCTION AND PURIFICATION OF  
ADENOVIRAL VECTORS

Group Art Unit: 1641

Examiner: Unknown

Atty. Dkt. No.: INRP:058/PAR

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date below:	
1-20-99	
Date	Signature

**RESPONSE TO DECISION DATED NOVEMBER 20, 1998 AND  
PETITION UNDER 37 C.F.R. § 1.47(b)**

BOX DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants file this communication responsive to the Decision Refusing Status Under 37 C.F.R. § 1.47(a) dated November 20, 1998 regarding the above-identified patent application.

Applicants hereby resubmit their petition under 37 C.F.R. § 1.47(b) to make the above-identified application for patent without the consent of one of the inventors. Dr. Toohyon Cho is

an inventor in this application who refuses to sign the inventors' Oath and Declaration. Submitted with this Petition is the Second Declaration of Kevin S. Casement Under 37 C.F.R. § 1.47 attesting to the facts and last known address of inventor Cho. Exhibit A to his Declaration was filed on May 22, 1998 and is not being refiled at this time. Applicants note that the Supplemental Declaration contains an averment that a copy of the application as filed was provided to Dr. Cho.

Assignee Introgen Therapeutics, Inc. has attempted to reach inventor Cho at the following address, and inventor Toohyon Cho has refused to sign the inventors' Oath and Declaration:

874 Yorkchester, #102  
Houston, Texas 77079

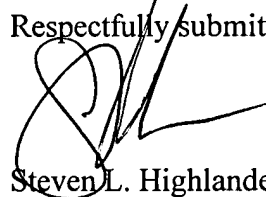
Applicants also submit a complete inventors' Oath and Declaration signed by all signing inventors, on behalf of inventor Cho. Note that inventor Cho's residence, citizenship and post office address have been indicated, thereby identifying Toohyon Cho as the non-signing inventor pursuant to MPEP 409.03(a)(1).

Pursuant to the November 20, 1998 Decision advising that the power of attorney is considered defective, Applicants attach a copy of the Notice of Recordation of Assignment of the signing inventors assigning this application to Introgen Therapeutics, Inc. Assignee Introgen Therapeutics, Inc. submits that it is empowered to take action as assignee of the Rule 1.47 Applicants.

Applicants filed the fee related to this Petition on May 22, 1998. Therefore, Applicants believe no fees are due in connection with the filing of this Response and Petition; however, should any fees under 37 C.F.R §§ 1.16 to 1.21 be deemed necessary for any reason relating to the

enclosed materials, the Commissioner is hereby authorized to deduct said fees from Arnold, White  
& Durkee Deposit Account No. 01-2508/INRP:058/PAR.

Respectfully submitted,



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Date: 1-20-99

bcc: Mr. David G. Nance  
Dr. Debbie Wilson  
Dr. Shuyuan Zhang  
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David L. Parker, Esq.